

PATENT COOPERATION TREATY

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From the
INTERNATIONAL SEARCHING AUTHORITY

To:
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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

VOLPE & KOENIG, P.C.

Date of mailing
(day/month/year)

23 JUN 2005

Applicant's or agent's file reference

NPS-PT005.1W

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/US04/30350

International filing date (day/month/year)

16 September 2004 (16.09.2004)

Priority date (day/month/year)

16 September 2003 (16.09.2003)

International Patent Classification (IPC) or both national classification and IPC

IPC(7): F41B 11/00,6/00; F41F 7/00 and US Cl.: 124/73,3,44.6,52,56; 273/108.31,120A;42/55

Applicant

NATIONAL PAINTBALL SUPPLY, INC.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☒ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US

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Commissioner for Patents
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10/571727

IAPO Rec'd PCT/PTO

International application No.

14 MAR 2006

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

PCT/US04/30350

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐ a sequence listing

☐ table(s) related to the sequence listing

b. format of material

☐ in written format

☐ in computer readable form

c. time of filing/furnishing

☐ contained in international application as filed.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

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Box No. IV Lack of unity of invention

1. ☐ In response to the invitation (Form PCT/ISA/206) to pay additional fees the applicant has:
- ☐ paid additional fees
 - ☐ paid additional fees under protest
 - ☐ not paid additional fees
2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is
- ☐ complied with
 - ☒ not complied with for the following reasons:
See the lack of unity section of the International Search Report(Form PCT/ISA/210)

4. Consequently, this opinion has been established in respect of the following parts of the international application:
- ☐ all parts.
 - ☒ the parts relating to claims Nos. 1-20,25-28 and 34

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US04/30350

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>3-10, 16, 20, 26 and 27</u>	YES
	Claims <u>1, 2, 11-15, 17-19, 25, 28 and 34</u>	NO
Inventive step (IS)	Claims <u>3-10</u>	YES
	Claims <u>1, 2, 11-20, 25-28 and 34</u>	NO
Industrial applicability (IA)	Claims <u>1-20, 25-28 and 34</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and explanations:

Claims 1, 2, 11-15, 17-19, 25, 28 and 34 lack novelty under PCT Article 33(2) as being anticipated by Anderson (5,791,325). Anderson teaches an electronic paintball marker (100) comprising: a breech (105) having an inlet for receiving a paintball; a first electromagnet (237) disposed in proximity to the breech; a sensor (232) disposed within a portion of the breech for detecting a paintball; a processor in communication with the first electromagnet and sensor (col. 4, lines 44-47); and a bolt (145) movable between first and second positions, wherein the bolt comprises an elongate body having a magnetically attractable portion and wherein the first electromagnet is actuated by the processor when the sensor detects a paintball, the actuation creating attraction or a repulsion between the magnetic portion and the first electromagnet (col. 48-64). Anderson further teaches the electromagnet creating repulsive or attractive force causing the bolt to move forward and rearward (col. 4, lines 36-43).

Claims 16, 20, 26 and 27 lack an inventive step under PCT Article 33(3) as being obvious over Anderson (5,791,325) in view of Vadas et al (3,463,136). Anderson teaches all the limitations of claims 16, 20, 26 and 27 except a spring for biasing the bolt in the forward or rearward position. Vadas et al teach gun comprising a magnetic sensor to bias the bolt (col. 3, lines 59-60) including a spring (col. 4, lines 48-61). At the time of the invention, it would have been obvious to one ordinarily skilled in the art to have a spring to prevent the projectile from accidentally rolling out the breech.

Claims 3-10 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest a second electromagnet.

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International application No.

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Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

Claims 29 and above are objected to under PCT Rule 66.2(a)(iii) as containing the following defect(s) in the form or contents thereof:
The numbering of claims after claim 29 are incorrect. The claims 33-33 have been renumbered 33-35. Furthermore, claim 30 is missing.
Appropriate correction is required.